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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 DAMARIS WAKONYO MUITA, *et al.*,

9 Plaintiffs,

10 v.

11 CYNTHIA MUNITA, *et al.*,

12 Defendants.

Case No. C20-1582 RSM-MLP

MINUTE ORDER

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14 The following Minute Order is made at the direction of the Court, the Hon. Michelle L.  
15 Peterson, United States Magistrate Judge:

16 The Court issued an order regarding initial disclosures, joint status report, and early  
17 settlement in this matter. (Dkt. # 9.) The Order directed the parties to notify the Court if the  
18 claims involved in this matter are exempt from the requirements in Federal Rule of Civil  
19 Procedure 26(a) and 26(f). (*Id.* at 1.) The parties submitted a joint status report representing that  
20 they believe Plaintiffs' claims are exempt from the requirements set forth in Rule 26(a) and (f).  
21 (Dkt. # 11.) Specifically, Plaintiffs seek to compel Defendants to adjudicate Plaintiff Muita's I-  
22 130 petition to classify Plaintiff Karanja as her immediate relative. (*Id.* at 1.) Defendants  
23 represent that they require more information regarding Plaintiff Karanja's identity to address

1 Plaintiffs' claims. (*Id.* at 1-2.) The parties agree that this action is brought pursuant to the  
2 Administrative Procedures Act, 5 U.S.C. § 702, and, as such, is "an action for review on an  
3 administrative record," falling under a category of cases in Rule 26(a)(1)(B)(i)<sup>1</sup>, and is therefore  
4 exempt from the requirements to lay down discovery, participate in a discovery conference, and  
5 present a joint discovery plan. (*Id.* at 1.) Accordingly, the Court strikes the current deadlines  
6 regarding initial disclosures and discovery contained in the Order.

7       The parties further have agreed that Plaintiffs' matter could be remanded from the Board  
8 of Immigration Appeals ("BIA") so that Plaintiffs could submit, and the U.S. Citizenship and  
9 Immigration Services ("USCIS") could consider, additional information regarding Mr. Karanja's  
10 identity. (*Id.* at 2.) The BIA has remanded the matter to USCIS. (*Id.*) Defendants represent that  
11 they will issue a Request for Evidence ("RFE") to Plaintiffs on June 7, 2021. (*Id.*) The deadline  
12 for Plaintiffs to respond is 86 days later plus an additional 60 days due to the pandemic. (*Id.*)  
13 Once that information is received, USCIS will review the supplemental information and  
14 adjudicate the matter within 30 days of receipt of the supplemental information. (*Id.*) If USCIS  
15 grants the I-130 petition within that 30-day period, Plaintiffs agree to voluntarily dismiss this  
16 matter and will not seek attorney's fees or costs. (*Id.*)

17       If USCIS does not grant the I-130 petition based on the supplemental information  
18 received, the parties are directed to meet and confer to attempt to agree on a schedule for cross  
19 motions for summary judgment. The parties have until August 31, 2021 to either file an  
20 additional joint status report or a stipulation for dismissal.

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23 <sup>1</sup> The parties cite to Rule 26(a)(1)(E)(i) in their joint status report (*see id.* at 1), however, it appears they are referring to Rule 26(a)(1)(B)(i) that addresses exemptions from initial disclosures for actions for review on an administrative record.

1 Dated this 7th day of June, 2021.

2 William M. McCool

3 Clerk of Court

4 By: Tim Farrell

5 Deputy Clerk